

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

TINA M. RANDOLPH,	§	
	§	
Plaintiff,	§	
	§	
VS.	§	CIVIL ACTION NO. H-08-1836
	§	
DIMENSION FILMS, <i>et al.</i> ,	§	
	§	
Defendants.	§	

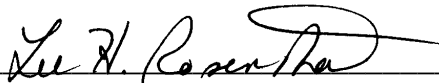
ORDER

In response to this court's order instructing the plaintiff, Tina M. Randolph, to effect service under Rule 4 of the Federal Rules of Civil Procedure by October 17, 2008, Randolph has asked for a four-month extension to effect service on the defendants. (Docket Entry No. 6). This suit was filed on June 9, 2008. The 120 days allowed for service under Rule 4 will expire in October 2008. Randolph asks for an extension until the end of January 2009.

Although Randolph is proceeding *pro se*, such status is insufficient to establish good cause to extend the time for service under Rule 4(m). *Systems Signs Supplies v. United States Dept. of Justice*, 903 F.3d 1011, 1013-14 (5th Cir. 1990). The court may, however, consider such status as a mitigating factor. *Id.* In this case, Randolph has not even attempted a good-cause showing or explained why such a long period – a total of eight months – is necessary to effect service. Under the rule, if good cause is not present, the court may either dismiss the lawsuit without prejudice or direct that service be effected within a specified time. *Thompson v. Brown*, 91 F.3d 20, 21 (5th Cir. 1996). This court grants Randolph's

motion in part, extending the time to effect service, in light of her *pro se* status, but not for the four-month period she seeks. Randolph is ordered to file proof of service by **November 14, 2008**. Failure to do so may lead to dismissal of this suit, without prejudice.

SIGNED on September 25, 2008, at Houston, Texas.



Lee H. Rosenthal
United States District Judge